

Victim Compensation Connection

February 2006

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PO Box 42, Sacramento,
CA 95812

1-800-777-9229

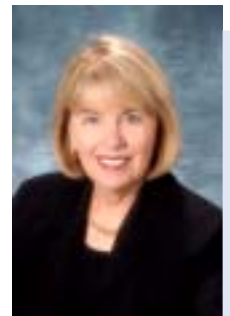
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From the Desk of Karen McGagin, Executive Officer

This month we are delighted to welcome Rosario Marin, the new chair of the Victim Compensation and Government Claims Board. Ms. Marin assumed the post of chair when Governor Schwarzenegger swore her in as Secretary of the State and Consumer Services Agency on February 1, 2006. She comes to us with a wealth of experience in federal, state, and local government.



Karen McGagin

A few weeks ago, the federal Office for Victims of Crime's 2006 National Crime Victim's Rights Week Resource Guide crossed my desk, and I noted that this year's theme for the event, coming up April 23–29, is "Victim's Rights: Strength in Unity." That's really an appropriate theme for California this year, and for the VCGCB, as well. Just as California, the most diverse state in the nation, works best when she draws her strength from unity, so too is the field of victim services at its best when we're all working together. And one of the things I am most excited about right now is how we are all pulling together to make victim rights and victim services a priority in California.

In January, I attended the California District Attorney's Association's winter workshop, and the energy and interest in making crime victim rights a reality was palpable. The four-day workshop opened on January 23 with a plenary session: *Into the Future: Premier Crime Victim's Rights and Services for California*. In her opening remarks, CDAA president and Sacramento County District Attorney Jan Scully recognized the strong working relationship between the CDAA and the VCGCB. Victim Compensation and Government Claims Board member and San Bernardino County District Attorney Michael Ramos spoke about breaking new ground for victim services with enhanced victim's rights training for deputy district attorneys and new performance measurement systems. He also drew attention to the increases proposed for existing VCGCB Joint Powers Verification Units in the Governor's 2007-2008 budget, and the additional amount budgeted for the VCGCB to create new Criminal Restitution Compacts with counties.

There are many other ways our work connects all sectors of the victim services community. We are partnering with CDAA on a new edition of the Victim Rights Manual, a desk reference for advocates and prosecutors. We are participating on the steering committee of the new California Victim Assistance Academy. But it's the connections we have on a daily basis that most remind me that we are all on the same team. Our partnerships with victim advocates and law enforcement officers are the single most important factor in getting compensation to crime victims. The majority of the applications that flow into the Victim Compensation Program come through advocates in Victim Witness Assistance Centers. We would have no funds to distribute were it not for the work of countless county collection departments, court systems, and corrections personnel across the state. Our strength is in our unity. That's something I will think about and appreciate all year.

New Secretary of the State and Consumer Services Agency Appointed

The VCGCB is delighted to welcome Rosario Marin, Secretary of the State and Consumer Services Agency, as its new chair. Governor Arnold Schwarzenegger appointed Ms. Marin to his cabinet on January 31. Ms. Marin also serves as Governor Schwarzenegger's advisor on a variety of issues relating to California's consumers, civil rights enforcement, and internal state operations and management.

As Agency Secretary, Ms. Marin oversees many state programs in addition to the VCGCB; these include the California African American Museum (CAAM), the California Building Standards Commission, the California Public Employees' Retirement System (CalPERS), the California Science Center, the Department of Consumer Affairs (DCA), the Department of Fair Employment and Housing, the Department of General Services, the Department of Technology Services, Exposition Park, the Fair Employment and Housing Commission, the Franchise Tax Board, the Office of the Insurance Advisor (OIA), the State Teachers' Retirement System (STRS), the State Personnel Board, and the Victim Compensation and Government Claims Board.

"She is the right person to lead the State and Consumer Services Agency and I look forward to hearing her wise counsel and advice as a member of my cabinet," said Governor Schwarzenegger.

Prior to her appointment as Secretary of the State and Consumer Services Agency, Ms. Marin served as a member and chair of the Integrated Waste Management Board. She was appointed Treasurer of the United States by President George Bush in 2001 and served until 2003. Ms. Marin served 7 years as both Mayor and city council member in the City of Huntington Park. She

served Governor Pete Wilson as Deputy Director of the Governor's Office of Community Relations from 1997 to 1998. Ms. Marin was Assistant Deputy Director of the Department of Social Services in 1997.



Governor Schwarzenegger swore in newly-appointed State and Consumer Services Agency Secretary Rosario Marin on Wednesday, February 1, 2006.

Ms. Marin has also served four years as chair of the Council on Developmental Disabilities. She has served as a member of several public boards and commissions, including as vice chair of the Latino caucus and as President of the Mayors and Councils Department of the League of California Cities, as chair of the Southeast Community Development Corporation, and as a member of the California Film Commission. Additionally, Ms. Marin is a member of the Special Olympics International Board of Directors, and was formerly on the Board of Governors for Community, Mission, and Lincoln Hospitals, and the National Association of Latino Elected Officials.

Ms. Marin earned a bachelor's degree in business administration from California State University, Los Angeles, and completed the Program for Senior Executives in State and Local Government at Harvard University's John F. Kennedy School of Government.

VCGCB Executive Officer and Deputy Executive Officer Attend Inaugural Victim Advisory Council Meeting

Roderick Hickman, Secretary of the California Department of Corrections and Rehabilitation (CDCR), has invited Karen McGagin, Executive Officer, and Laura Hill, Deputy Executive Officer of the Revenue Recovery and Accounting Division, to serve on the new CDCR Victim Advisory Council (Council). They attended the first meeting of this Council on January 20, 2006. The Council will meet twice yearly to help CDCR develop policies, programs, and practices that are sensitive to the needs of crime victims, and develop recommendations for implementation of needed services.

Board Increases Mental Health Counseling Sessions For Victims

The Board approved significant changes to the service limitations and reporting requirements for reimbursement of mental health services at its meeting on January 19, 2006. The Board now has greater flexibility in the service limitation and rate setting process.

Early in 2003, the Board adopted emergency mental health regulations that set session limitations for outpatient mental health services, established specific criteria for treatment beyond those limitations, and required specific documentation at various stages of treatment. The emergency regulations were later modified and adopted as final regulations.

At that time, VCGCB staff indicated that the impact of the revised regulations would be reviewed periodically and changes would be proposed as circumstances and experience dictated.

"The session limitations, documentation requirements, and criteria for additional treatment have been effective in decreasing the costs of mental health reimbursement and creating a better system of monitoring treatment. However, the changes adopted by the Board will improve access to mental health services for crime victims by enabling providers to serve victims of violent crime in an increased capacity with less paperwork and monitoring. Session limitations and related reporting requirements also tended to complicate the processing of claims, both for providers and for the VCGCB," said Executive Officer Karen McGagin.

An informational copy of the new service limitations and session limits was filed with the Secretary of State pursuant to Government Code section 13957.2(a) and became effective on January 24, 2006. In one year, the VCGCB will again review the effect of the new guidelines.

For more information, call 1-800-777-9229 or visit the Victim Compensation website at www.victimcompensation.ca.gov.

Overview of the Mental Health Counseling Session Changes

Initial Session Limits

- Adult victims now have 40 initial sessions, up from 30.
- Derivative victims who are minors, for example, the children or siblings of a victim, now have 30 sessions, up from 15.
- Up to two primary caretakers of a minor victim at the time of a crime now have 30 sessions per caretaker, rather than 30 sessions shared between caretakers.

Collateral Sessions

- Allowable collateral sessions for minors (for example, sessions that include a teacher or Child Protective Services worker) have been increased to six sessions within the overall session limit, up from three.

Additional Sessions

- A victim no longer needs to show permanent impairment before additional treatment may be authorized.
- Additional treatment may be allowed even if there is only a single (one-time) serious threat of harm, or violent act that causes serious bodily injury to a victim, if the additional treatment is warranted.
- When treatment is needed because an offender is being released from prison, or a victim needs to appear in a criminal proceeding, the guidelines have been clarified to state that counseling needs to be initiated at any time after learning of the release or criminal proceeding, and up to three months after the actual release or proceeding.

Document Submission

- Providers are no longer required to submit a Treatment Progress Report after 15 sessions in order for the remainder of the initial sessions to be authorized. Once a provider has submitted a Treatment Plan after five sessions, and that plan is approved, no further reports are required unless the provider needs to request additional treatment beyond the initial session limits.

Changes to Mental Health Session Limitations and Requirements

2003 (Old)

2006 (New)

Effective for Applications submitted on or after January 24, 2006.

Adult victims	Adult victims may be reimbursed for up to 30 sessions.	Adult victims may be reimbursed for up to 40 sessions.
Minor victims	Minor victims may have up to 40 sessions.	No change.
Adult derivative victims	Reimbursement for up to 15 sessions, except survivors of homicide victims who may be reimbursed for up to 30 sessions.	No change.
Minor derivative victims	Reimbursement for up to 15 sessions, except survivors of homicide victims who may be reimbursed for up to 30 sessions.	All minor derivative victims may have up to 30 mental health sessions.
Primary caretakers at the time of the crime	Up to two derivative victims who were the primary caretakers of the victim at the time of the crime receive a shared benefit of up to a total of 30 mental health sessions.	Up to two derivative victims who are the primary caretakers of the victim at the time of the crime may each receive 30 mental health sessions.
Collateral session limit for minors	No more than three sessions reimbursed for meetings or discussions between the treating therapist and collateral contacts of the person being treated.	Up to six sessions will be reimbursed for meetings or discussions between the treating therapist and collateral contacts of the person being treated.
Elimination of Treatment Progress Report (TPR)	In cases where the initial counseling session limitation was 30 or 40 sessions, submission and approval of a Treatment Progress Report (TPR) is required to exceed 15 sessions.	The TPR is no longer required. The Additional Treatment Plan (ATP) will be revised to include a retrospective review of progress-to-date.
Changes to requirements in order to authorize additional treatment	<ul style="list-style-type: none"> To qualify for additional treatment, the qualifying crime must have resulted in permanent and substantial impairment to the victim's activities of daily living. Additional sessions are only allowed if the qualifying crime includes <u>a series</u> of acts of significant frequency or duration. 	<ul style="list-style-type: none"> To qualify for additional treatment, impairment to the victim's activities of daily living no longer has to be permanent. Additional mental health sessions will be allowed for qualifying crimes that consist of <u>a single act</u> that a reasonable person would consider to constitute a threat of serious harm to body integrity, or <u>a single act</u> that resulted in serious bodily injury.
Change in reference to Diagnostic and Statistical Manual	Specific references to the "Diagnostic and Statistical Manual of Mental Disorders, 4 th Edition, (DSM IV)" are used when describing the professional guidelines followed by the Victim Compensation Program.	Specific references to "the most recently published version of the DSM" will be used when describing the professional guidelines followed by the Victim Compensation Program.
Changes to limitations for participants in legal proceedings or upon learning of offender's release	Mental health counseling must be provided within three months of the victim's participation in a criminal proceeding, within three months of learning that the victim is required to be involved to participate in the proceedings, within three months of the offender's release, or within three months of the victim learning of the offender's release.	Mental health counseling may be initiated within the time period beginning at the time the victim learns that he/she is required to be involved with a criminal proceeding (or that the offender is to be released) and ending three months after the victim's actual involvement (or the offender's actual release).

Putting Victims First

During the week of April 23-29, National Crime Victims' Rights Week is observed across the nation by victims, survivors, and the professionals and volunteers who assist them. This year's theme is "Victims' Rights: Strength in Unity." The theme emphasizes the importance of working together to "put victims first." In

doing so, we ensure that victims receive the assistance they need.

To crime victims, justice means that they are heard, treated with respect, and that their losses will be recognized. Victims' Rights Week brings us together to make justice truly meaningful for crime victims. It helps us recognize the rights and needs of victims and survivors of crime, and that

crime isn't something that "happens to someone else."

Join the 17th Annual Victims' March on the Capitol on Monday, April 24, on the west steps of the California State Capitol in Sacramento. The ceremony will begin at 11:45, with lunch immediately following at 1 p.m. on the Capitol grounds. VCGCB staff will participate in a march from 630 K Street to the ceremony at the Capitol. For more information, to reserve a display table, or to

order lunch tickets, contact Debbie Rollins at the California Correctional Peace Officers Association (CCPOA) at 1-800-821-6443, Ext. 239.



Victim Compensation and Government Claims Board staff pose in front of the California State Capitol during the march in 2005.

To provide Californians with the opportunity to participate and pay tribute to victims and their survivors in their communities, the Victim Compensation and Government Claims Board (VCGCB) will be posting a calendar of events on our website at www.vcgcb.ca.gov. This calendar will include those events happening throughout the state to commemorate Victims' Rights Week. We'd like to hear about any activities your organization is planning. Please contact Mary Lou Thomas at (916) 323-5048, by fax at (916) 323-4626, or send an email to info@vcgcb.ca.gov about events you have scheduled.

Governor Appoints Public Affairs Officer To CHP



Fran Clader, VCGCB's Public Affairs Officer, has been appointed by Governor Arnold Schwarzenegger to the position of Deputy Commissioner for Communications with the California Highway Patrol (CHP). The appointment became effective February 6, 2006. Ms. Clader served the VCGCB as Public Affairs Officer for five years.

Ms. Clader has more than 17 years experience in public relations and journalism. She was appointed Public Information Officer for the Governor's Office of Criminal Justice Planning from 1998 to 2001. Prior to her appointment to state service, Ms. Clader served as City Editor and journalist for Vacaville's *The Reporter*, and as Editorial Assistant for the *San Francisco Examiner* from 1984 to 1985. Additionally, Ms. Clader is a Major in the United States Army Reserve and a former military police officer for the California Army National Guard. She was recently elected President of the State Information Officers Council for 2006.

Ms. Clader has made a tremendous contribution to the VCGCB through her hard work and dedication on behalf of crime victims, and the VCGCB offers congratulations to Ms. Clader in this exciting career opportunity.

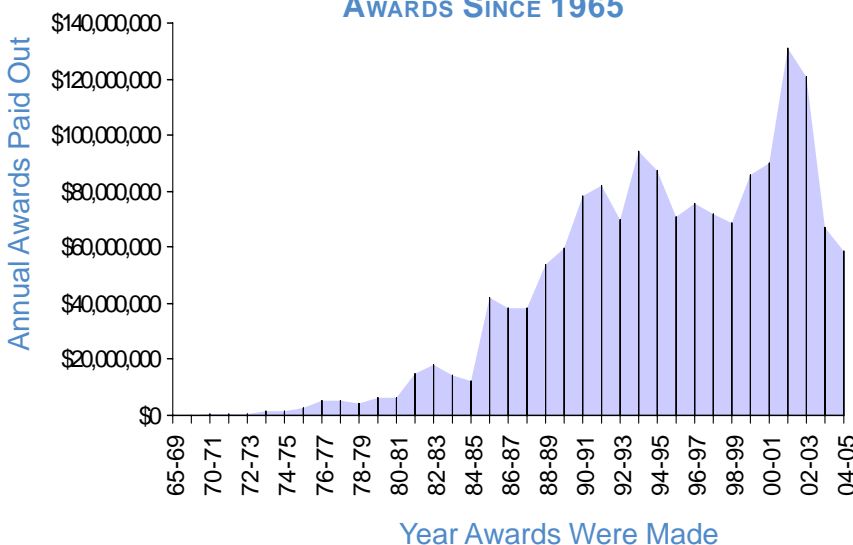
VCGCB Publishes Annual Report

The VCGCB's Fiscal Year 2004-05 Annual Report is now available. Last year, the Victim Compensation Program received 47,658 applications, and paid \$58,893,735 on behalf of victims for losses on both new and existing applications. In addition, the Government Claims Program received 8,751 claims.

The Annual Report not only gives statistical information about the VCGCB, but also summarizes the year's events. Fiscal Year 2004-05 was a great year for the VCGCB. The 40th Anniversary was a milestone for the Victim Compensation Program. The Government Claims Program became self-supporting with the new \$25 filing fee and surcharge. The Revenue Recovery and Accounting Division celebrated a successful roll-out of restitution training to probation officers, and continued their thriving partnership with the California Department of Corrections and Rehabilitation and the Franchise Tax Board in the Court-Ordered Debt Collection Program.

To find out more about these important achievements, visit the VCGCB website at www.vcgcb.ca.gov.

SUMMARY OF VICTIM COMPENSATION PROGRAM AWARDS SINCE 1965



Did You Know?

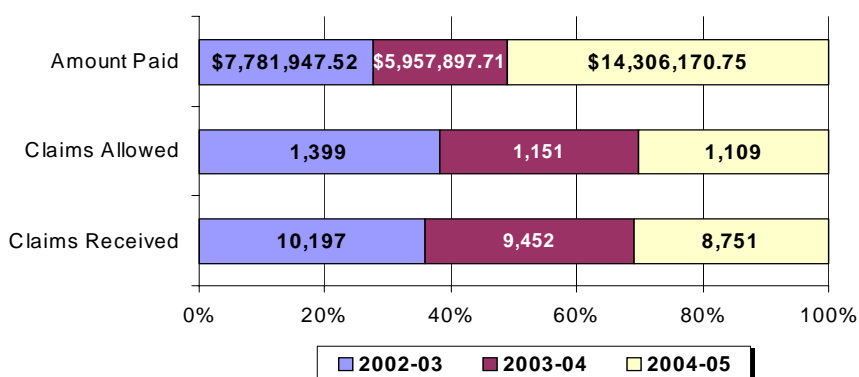
You already know that the VCGCB provides victim compensation services and operates the Government Claims Board, but did you know the VCGCB has other important duties as well?

- The VCGCB administers a portion of the California State Employees Charitable Campaign. Each year, the VCGCB reviews applications submitted by charitable organizations who want to participate in the campaign. Every state employee receives a list each fall of the charitable organizations approved by the VCGCB. State employees also receive a payroll deduction form.

The payroll deduction forms are returned to the State Controller's Office and the Principal Combined Fund Drive agency (PCFD). PCFD agencies are organizations approved by the VCGCB to conduct the campaign in certain geographic regions. Payroll deductions usually begin with the January pay period.

In Fiscal Year 2004-05, state employees were able to choose from approximately 3,000 participating charitable organizations during the fund-raising drive.

GOVERNMENT CLAIMS PROGRAM CLAIM SUMMARY



The amount paid in 2004-05 includes one annual claims bill that carried over from Fiscal Year 2003-04.